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C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 001737

SIPDIS

DEPT FOR IO/SHA - JBRACKEN AND SMEHRA; DRL/MLA - MBUTLER,  
LSICADE; USUN - MSPIRNAK, MZACK, LTAMLYN, SSIV; WHA/CCA,  
EUR/UBI HOLLIDAY, EUR/ERA

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TAGS: [PHUM](#) [PREL](#) [NL](#) [CU](#)

SUBJECT: ECOSOC: DUTCH SEEK PROCEDURAL DEATH FOR CUBA  
RESOLUTION

REF: (A) STATE 150754

Classified By: Andrew Schofer, Counselor for Political Affairs, For Rea  
sons 1.4 (b) and (d).

[11.](#) (C) SUMMARY: The Dutch are receptive to finding a procedural solution to block the Cuban draft ECOSOC resolution (reftel) in their national capacity, and will seek EU support for such an approach as EU president. Visiting DRL PDAS Kozak and IO DAS Lagon found Dutch interlocutors responsive to U.S. strategies for handling the draft resolution, but also troubled by the lack of good information available on the status of Guantanamo detainees. The Dutch appear eager to move on from the issue of the detainees, but believe they still need additional information to justify such a move. Kozak and Lagon did not agree to a Dutch suggestion that the U.S. accept UN rapporteurs, visits to Guantanamo but discussed possible alternatives for providing additional information to the EU. END SUMMARY.

[12.](#) (C) The Dutch are receptive, in their national capacity, to finding a procedural mechanism to turn off the Cuban draft ECOSOC resolution on "Protection of Human Rights and fundamental Freedoms in the Context of International Military Operations Launched to Combat Terrorism." We delivered Reftel demarche on July 12 during a series of meetings that DRL PDAS Michael Kozak, IO DAS Mark Lagon and Embassy reps had with Dutch officials on a range of human rights and UN issues (reported septel). Dutch interlocutors committed to seeking EU support for this approach both in Brussels and New York. Deputy Political Director Hermann Schaper, Special Ambassador for Human Rights Amb. Piet de Klerk, and Head of the Human Rights Director Annaka Adema agreed the best strategy would be to oppose or stop the resolution, not to seek to amend it or simply slow it down.

[13.](#) (C) Adema stressed that the U.S. and EU needed to find a procedural technique to dismiss the resolution, as the CHR did on the earlier Cuban Guantanamo resolution. This should not be a "no action" motion but something that would have same practical effect of deferring or stopping the effort. The U.S. will argue that the resolution is unnecessary, even as an extraordinary new measure after the CHR, because two CHR resolutions already cover the territory sufficiently (e.g., the Mexican resolution on counter-terrorism and human rights creating an independent expert tied to the High Commissioner, which the USG backed; and the French resolution on enforced disappearances). Kozak and Lagon committed to explain U.S. support for the procedural option and to provide our best supporting arguments to WEOG colleagues and others on the ECOSOC in New York. They also agreed to keep the Dutch fully informed in The Hague on USG strategy on such procedural steps.

[14.](#) (C) With regard to access to the Guantanamo prisoners, Adema and de Klerk urged the U.S. to respond to and offer access to those UN rapporteurs seeking to look into Iraq, Afghanistan, and Guantanamo before the vote on the Cuban resolution in ECOSOC. The Dutch appreciated Amb. Kozak's brief on the current status of Guantanamo prisoners, i.e., some have been released, some requested asylum, some were abandoned by home countries, while some dangerous types will remain. Kozak and Lagon discussed ways to respond to and provide access to detention facilities to answer critics of US policy in the EU, but suggested the official visits by rapporteurs suggested by the Dutch would probably not be possible, especially before the ECOSOC vote. The question of whether the law of war or human rights law and mechanisms pertain remains problematic. Kozak and Lagon discussed possible alternatives to enhance transparency, such as informally hosting an EU or EU presidency representative on a one-time basis, without making any commitments.

COMMENT

[15.](#) (C) The Dutch were anxious to receive an accurate accounting of the status of the Guantanamo detainees and pointed to the recent US Supreme Court decision on detainees, rights as proof that the US system works. The Dutch remain troubled that lack of good information, particularly following the Abu Ghraib revelations, will

encourage the spread of negative suppositions in the public imagination. Dutch interlocutors responded positively to Kozak and Lagon's clarifications and gave the distinct impression that they would like to move on from this issue if provided enough information to justify it.

16. (U) DAS Kozak cleared this cable before departing post.  
SOBEL